

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ADAM FRIED, ADMINISTRATOR,
ESTATE OF DESMOND FRANKLIN,

Plaintiff,

vs.

JOSE GARCIA,

Defendant.

) CASE NO.: 1:22-CV-00061

) JUDGE DAN AARON POLSTER

) DECLARATION OF BRIAN MCENTEE

I, Brian McEntee, pursuant to 28 U.S.C. § 1746, hereby declare, under penalty of perjury, the following:

1. The City of Cleveland is a chartered Ohio municipal corporation. For operational purposes, the City's executive branch is divided into a number of departments and a few other administrative units, one of which is the Department of Public Safety. Public Safety, in turn, is divided into a number of divisions, one of which is the Division of Police (CPD). On April 9, 2020, CPD was divided into five police districts.

2. The Division of Police is divided into three operational units: Field Operations, Administrative Operations, and Homeland Special Operations. Each operational unit is further subdivided into bureaus, sections, and units. One of the bureaus within Administrative Operations is the Bureau of Communications and Property Control (Bureau). I am the Commander of the Bureau, and I have been employed by the City as a police officer since 09/28/98. The Bureau is primarily responsible for receiving and dispatching police-related 911 calls made or routed to the City's CPD.

3. On April 9, 2020, Officer Jose Garcia called 911 dispatch from Riverside Cemetery at Pearl Road in Cleveland, Ohio to report that an individual had just pointed a gun at him and attempted to shoot him, and that he shot back.

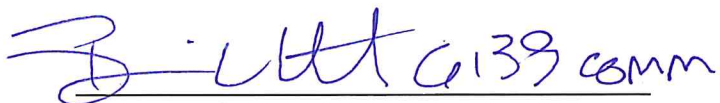
4. A true and accurate recording of the 911 call immediately made by Officer Garcia at the time of the above-referenced incident is attached and incorporated by reference as "Exhibit 1" in the form of a thumb drive.

DEFENDANT'S
EXHIBIT

A

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 10, 2024

A handwritten signature in blue ink, appearing to read "B. McEntee 6139 comm.", is written over a horizontal line.

BRIAN MCENTEE

City of Cleveland, Division of Police
Commander of Bureau of Communications
and Property Control

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) CORRECTED NOTICE OF MANUAL

) FILING OF EXHIBIT A-1 TO

) DEFENDANT'S MOTION FOR SUMMARY

) JUDGMENT

Defendant, JOSE GARCIA, hereby notifies this Honorable Court that the following was manually filed as an exhibit to his Motion for Summary Judgment:

- A thumb drive containing the following:
 - Exhibit A-1: thumb drive containing 911 call audio.

This video was not filed electronically because the format and/or electronic file size could not be converted to a format and/or size accepted by CM/ECF.

EXHIBIT

1

Respectfully submitted,

MARK D. GRIFFIN (0064141)
Director of Law

By: /s/ Affan Ali
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CERTIFICATE OF SERVICE

The undersigned certifies the above document was filed on 31st day of January, 2024. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access the filing through the Court's filing system.

/s/ Affan Ali
Affan Ali (0085698)
One of the attorneys for Defendant